

REMARKS

Claims 1-24 are pending in the application, and independent claims 1, 10, 23, and 24 have been amended. Support for the claim amendments may be found in the application at least at the following passages: page 38, lines 11-20; page 41, line 8 to page 42, line 15; and Fig. 6. Favorable reconsideration of the application is respectfully requested in view of the claim amendments and following remarks.

I. AMENDMENT TO THE TITLE

As filed based on Applicant's translation of the priority document, the title of the invention should be "Data Processor". Applicant notes the official filing receipt, dated February 10, 2006, identifies the title of the invention as "Data processor **apparatus**" (emphasis added). Accordingly, to eliminate this inconsistency, Applicant amends the title of the invention to "Data Processor".

II. REJECTION OF CLAIMS UNDER 35 U.S.C. § 103(a)

A. Overview of the Current Claim Amendments

As explained in response to the previous Office Action, Applicant's system permits processing a more real-time recording command using program information independent of compiling a program list. Remote scheduling of a recording, such as from a PC or other device remote from the recorder, is enhanced because there is no need to provide a listing capability in the remote device. (See, e.g., Application at page 7, lines 12-19; page 9, lines 14-20.)

In Applicant's system, a data processing apparatus, such as a video program recording device, outputs a command based on a user operation that contains information for identifying a program to be recorded. The command is outputted from an interfacing section to a control section, which in turn transmits a search request to a server based on the command. The control section receives from the server a parameter for the program (e.g., title, recording period, etc.), and a recording section records the received parameter and the program to be recorded to a recording medium in a manner such that the parameter and program are associated with each

other. The program recording is thus scheduled, and the program then may be recorded at the appropriate time. (See, e.g., Application at page 35, line 17 to page 43, lines 9.) An advantage of the claimed invention is that remote scheduling of a recording, such as from a PC or other device remote from the recorder, is enhanced because there is no need to provide a listing capability.

As also described in the application with respect to the claimed interfacing section, the referenced “command” refers essentially to a command outputted by the data processor to be transmitted to the server for the server to identify the desired program from the database for recording. In other words, the program information ***is stored in the server***, which contrasts with the references in which program lists are generated in the client devices. (See Application at page 38, lines 11-20; page 41, line 8 to page 42, line 15; Fig. 6.) In accordance with such features, independent claim 1 has been amended to recite:

an interfacing section for outputting a command on a program to be recorded based on the a user operation, wherein the command is outputted by the data processor for the server to identify the desired program from the database for recording.

Comparable amendments have been made to independent claims 10, 23, and 24.

Claims 1-24 stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Tomita et al., U.S. Patent No. 6,732,372 (Tomita) in view of Brown et al., U.S. Patent No. 6,868,225 (Brown). Tomita was applied in the previous Office Action, and Brown is a newly cited reference. The rejections should be withdrawn for at least the following reasons.

B. Deficiencies of Tomita

As demonstrated in response to the previous Office Action, Tomita exemplifies a conventional system in which a program list must be generated from which a program may be selected for recording. In this regard, the system of Tomita does not utilize a received parameter associated with a program to be recorded. Applicants further argued Tomita does not disclose the claim features of “a recording section for

recording the received parameter and the program to be recorded on a storage medium so that the parameter and the program are associated with each other.” The purported received parameter of Tomita (i.e., the categorical list) is not recorded and not associated with a program to be recorded.

The Examiner again principally relies on the embodiment of Tomita depicted in Figs. 16(b) and 18. (See Tomita at col. 13, line 11 to col. 14, line 25.) In this embodiment, a user can enter categorical search criteria, from which a list of programs meeting the search criteria is generated. A program can then be selected from the list for viewing and/or recording. Such a system, therefore, in still utilizing a list, suffers from the same deficiencies as the alternative conventional system that provides a list which is not based on search criteria. (See Application at page 5, lines 1-11.)

The Examiner’s continued reliance on Tomita is unclear. The Examiner states Applicant’s arguments “have been fully considered and are persuasive.” (See Office Action, Response to Arguments.) In the body of the rejections, however, the Examiner asserts Tomita discloses the claimed recording section on the same grounds as asserted previously. Despite the Examiner’s statement in the Response to Arguments section, the Examiner has essentially maintained the previous interpretation of Tomita. Applicants, therefore, reassert the previous arguments pointing out the deficiencies of Tomita, and would request a clarification of the Examiner’s reliance on Tomita if the rejections are not withdrawn.

C. *Brown Does Not Disclose the Deficiencies of Tomita*

The Examiner relies on Brown as disclosing the claimed “interfacing section for outputting a command on a program to be recorded based on the user operation.” Because the Examiner correctly does not assert that Brown teaches the claimed recording section, Brown does not disclose the above deficiencies of Tomita. Accordingly, the combination of Tomita and Brown also is deficient as to such features.

In addition, the passages of Brown relied upon by the Examiner relate to a user interface that permits a user to select and edit parameters for program recording. In particular, programs set for recording may be selected from a program list, which permits manipulations such as editing recording parameters and rating programs. (See Brown at col. 14, line 26 to col. 15, line 25.) In this sense, the system of Brown, similar to that of Tomita, exemplifies the prior art systems as described in the current application. Although the generated list provides for editing recording parameters and rating content, user inputs still must be made in connection with a program list.

Although the Examiner does not provide a detailed explanation as to the application of Brown, the Examiner appears to be considering manipulating a recording parameter using a program list to encompass “outputting a command on a program to be recorded based on the user operation.” In other words, the Examiner seems to be alleging the claims are not limited to processing any particular form of user input, e.g., whether such input is a selection from a program list or whether the input is a parameter to be associated with a program as in Applicant’s system.

In this vein, the current claim amendments further distinguish the claimed invention over the cited references, particularly as to the Examiner’s reliance on Brown as disclosing the claimed interfacing section. As stated above, with respect to the interfacing section the application describes the claimed “command” as referring to a command outputted by the data processor to be transmitted to the server for the server to identify the desired program from the database for recording. The current claim amendments recite comparable features. (See Application at page 38, lines 11-20; page 41, line 8 to page 42, line 15; Fig. 6.) In other words, the program information **is stored in the server**, which contrasts with the system of Brown in which program lists are generated in the client devices. Tomita also is deficient in this respect.

For these reasons, a combination of Tomita and Brown does not result in, disclose, or suggest the claimed invention as recited in independent claims 1, 10, 23, and 24 pertaining to the manner by which a program is selected for recording.

Accordingly, such claims are not obvious over the combined references, and the dependent claims are patentable for at least the same reasons. The rejections, therefore, should be withdrawn.

III. CONCLUSION

For the foregoing reasons, claims 1-24 are allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Docket No. OKUDP0111US.

Respectfully submitted,

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DATE: January 24, 2011

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